IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

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**WRIT PETITION NO : 14204 of 2005**

Between:

K.Durga Venkateswara Rao, S/o.Veeranna,
Emp.No.376175, R/o.15-8-4, Pasupuletivari Street,
Bhimavaram, W.G.District.

**..... PETITIONER**

AND

1. The Depot Manager, Narasapuram Depot, APSRTC, Narasapuram, W.G.District.
2. The Enquiry officer, A.M.Traffic, W.G.Region, Eluru, W.G.District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents in conducting ex-parte enquiry without affording reasonable opportunity to the petitioner and issuing a Memo. No.Steno/95 (16)-05-NSP dated 15-6-2005 to submit remarks on the ex-parte enquiry as illegal and arbitrary and set aside the same and consequently direct the respondents to conduct fresh enquiry by giving reasonable opportunity to the petitioner to submit and lead the evidence before the enquiry officer.

**Counsel for the Petitioner: MR.M.L.ALI**

**Counsel for the Respondents: MR.R.MANMADHA REDDY**

**The Court at the admission stage made the following:**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in conducting enquiry without affording reasonable opportunity to the petitioner and in issuing memo dated 15.06.2005 to submit his remarks against the report as illegal, arbitrary and consequently sought for a direction to the respondents to conduct fresh enquiry.

According to the petitioner, the enquiry was conducted without there being any prior notice and opportunity. As the enquiry was conducted without proper notice, it is not proper and just for the disciplinary authority to issue notice basing on the said report and proceed to consider the allegations made against the petitioner.

However, as the matter is still pending before the disciplinary authority and no orders have been passed, it is for the petitioner to submit his explanation pointing out the deficiencies, if any, including the procedure followed while conducting the enquiry. If ultimately the disciplinary authority would not consider the deficiencies, if any, pointed out by him, it is always open to him to assail the said findings and conclusions. But, he cannot approach this Court at this stage as

the matter is still under consideration by the disciplinary authority.

Therefore, the petitioner is directed to submit his explanation within a period of two weeks from the date of receipt of a copy of this order and if such explanation is submitted, the first respondent is directed to consider the same before passing any orders.

The writ petition is accordingly disposed of. No costs.

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04.07.2005

Note: Issue CC by tomorrow

(b/o)

VGB

To

1. The Depot Manager, Narasapuram Depot, APSRTC, Narasapuram, W.G.District.

2. The Enquiry officer, A.M.Traffic, W.G.Region, Eluru, W.G.District.

3. 2CD copies.